

Notice of Allowability

Applicati n N .

10/025,633

Examiner

Humera N. Sheikh

Applicant(s)

GALLAHER ET AL.

Art Unit

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08 October 2004.
2. ☒ The allowed claim(s) is/are 1, 19-21, 52, 54-74 and 97-99.
3. ☒ The drawings filed on April 8, 2002 ~~15 December 2004~~ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

DETAILED ACTION

Status of the Application

Receipt of the Amendment After Final Rejection under 37 C.F.R. 1.116 and Applicant's Arguments/Remarks, both filed 10/08/04 is acknowledged.

Claims 1, 19-21, 52, 54-74 and 97-99 are pending. Claims 1, 52, 54-57, 97 and 98 have been amended. New claim 99 has been added. Claims 2-18, 22-51, 53 and 75-96 have been cancelled by Examiner's Amendment in view of the Applicant's Amendment filed 10/08/04, withdrawing claims 2-18, 22-51, 53 and 75-96.

EXAMINER'S AMENDMENT

The application has been amended as follows:

In the Claims:

Claims 2-18, 22-51, 53 and 75-96 have been cancelled.

Allowable Subject Matter

Claims 1, 19-21, 52, 54-74 and 97-99 are allowed.

The following is an examiner's statement of reasons for allowance:

The primary reason for allowance is that the prior art does not disclose nor fairly suggest a method of reducing the level of leptin in the blood stream of a mammal comprising the instant

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amount of polysaccharide (about 2% to about 20%) wherein the polysaccharide is a polymer of monosaccharides substantially connected by beta glycosidic linkages and does not teach an aqueous solution of the polysaccharide having a viscosity of about 50 cps to about 200,000 cps. In an interview held with the Inventor, Applicant's representative and Applicant's attorney on 08/19/04 and 09/06/04, the Examiner had made the proposed suggestions of amending claim 52, to include the subject matter of claim 2, to include a definition of 'sufficient amount' and to include an explanation of the polysaccharide's viscosity, to place the application in a condition for allowance. The suggested claim amendments have been made. Accordingly, in view of Applicant's amendments, the instant invention is rendered patentable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Humera N. Sheikh whose telephone number is (571) 272-0604. The examiner can normally be reached on Monday through Friday from 8:00A.M. to 5:30P.M., alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page, can be reached on (571) 272-0602. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H. N. Sheikh



Patent Examiner

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January 10, 2005

THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600